

STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
CONCORD, NEW HAMPSHIRE



V

HEALTHCARE SERVICES GROUP INC.

DECISION OF THE HEARING OFFICER

Nature of Dispute: RSA 275:43 I unpaid wages
RSA 275:43 V unpaid annual time, sick time and personal time off

Employer: Healthcare Services Group Inc., 30 Lafayette Square, Suite #110
Vernon CT. 06066

Date of Hearing: August 25, 2014

Case No. 48316

BACKGROUND AND STATEMENT OF THE ISSUES

A Wage Claim was filed with the Department of Labor on June 17, 2014. The notice was sent to the employer and there was no written objection. The Notice of Hearing was sent to both parties on July 28, 2014.

The claimant testified that she worked for eight years with the employer, Genesis. When the employer was bought out by the current employer she worked for five and a half months. The former employer had a handbook in place and the new employer had a handbook for any new employee. The claimant said that the new owner would honor the conditions of the former employer's handbook. The claimant stated that she was a full time employee and was eligible for premium pay.

The employer testified that the claimant was paid for eighty hours of vacation time upon separation. The employer also said that the company did owe another eighty hours of Personal Time Off. The employer offered \$900.00 as payment of the outstanding time.

The claimant accepted this offer and closed the hearing.

FINDINGS OF FACT

RSA 275:43 I. Every employer shall pay all wages due to employees within 8 days including Sunday after expiration of the week in which the work is performed, except when permitted to pay wages less frequently as authorized by the commissioner pursuant to paragraph II, on regular paydays designated in advance by the employer and at no cost to the employee.

803.01 (a). Pursuant to RSA 275:43, I and II, every employer shall pay all wages due to his/her employees within 8 days, including Sundays, after the expiration of the workweek on regular paydays designated in advance. Biweekly payments of wages shall meet the foregoing requirement if the last day of the second week falls on the day immediately preceding the day of payment. Payment in advance and in full of the work period, even though less frequently than biweekly, also meets the foregoing requirement.

This is the section of the law that mandates an employer to pay an employee all wages due at the time the wages are due and owing.

RSA 275:43 V. Vacation pay, severance pay, personal days, holiday pay, sick pay, and payment of employee expenses, when such benefits are a matter of employment practice or policy, or both, shall be considered wages pursuant to RSA 275:42, III, when due.

This part of the law places an issue such as accrued time into the category of wages when the time is due and owing.

It is found by the Hearing Officer that the parties have agreed to settle for \$900.00.

DECISION AND ORDER

Based on the testimony and evidence presented, as RSA 275:43 I requires that an employer pay all wages due an employee, and as this Hearing Officer finds that the claimant and the employer have agreed to a settlement, it is hereby ruled that the Wage Claim is valid in the amount of \$900.00.

The employer is hereby ordered to send a check to this Department, payable to [REDACTED] in the total of \$900.00, less any applicable taxes, within 20 days of the date of this Order.

Thomas F. Hardiman
Hearing Officer

Date of Decision: August 28, 2014

Original: [REDACTED]
cc: Healthcare Services Group Inc.

TFH/kt